IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE P.R.RAMAN
&
THE HONOURABLE MRS. JUSTICE K.HEMA

WEDNESDAY, THE 13TH JUNE 2007 / 23RD JYAISHTA 1929

WP(C).No. 17627 of 2007(W)

PETITIONERS:
---

1. ANI, AGED 26 YEARS, S/O. NABEEZA BEEVI,
   BABA SAHIB NAGAR, 324 (207), PATHANAPURAM,
   KARAMOODU VILLAGE, KOLLAM DISTRICT.

2. PRADEEP, S/O. VASUDEVAN,
   VILAYIL HOUSE, KADAKKAL, KARAKKADU,
   KOTTARAKKARA, KOLLAM.

BY ADV. SRI.RENJITH B.MARAR
SRI.PRABHU VIJAYAKUMAR
SMT.LAKSHMI.N.KAIMAL

RESPONDENTS:
---

1. CIRCLE INSPECTOR OF POLICE,
   KULATHOORPUZHA.

2. SUB INSPECTOR OF POLICE,
   KULATHOORPUZHA POLICE STATION.

3. MURALEEDHARAN,
   VIJAYA VILASAM, BHARATHIPURAM P.O.,
   KULATHOORPUZHA.

4. ACHANKUNJU,
   KIZHEKKEDATHU HOUSE, BHARATHIPURAM,
   KULATHOORPUZHA.

5. SUNIL BABY,
   MATTAPPILLIL HOUSE, BHARATHIPURAM,
   KULATHOORPUZHA.

6. SUMATHY,
   MANILAL HOUSE, BHARATHIPURAM,
   KULATHOORPUZHA.

7. ASSISTANT EXCISE COMMISSIONER,
   KOLLAM.

R1, R2 & R7 BY GOVT. PLEADER SRI P.S.SALIM

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 13/06/2007,THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONERS' EXTS:

EXT.P1 TRUE COPY OF THE RELEVANT PAGES OF THE LICENCE OF THE PETITIONERS.

EXT.P2 TRUE COPY OF THE ORDER OF THE ASST. EXCISE COMMISSIONER.

EXT.P3 TRUE COPY OF THE RENTAL AGREEMENT BETWEENL THE PETITIONER AND THE SAID ANEESH DATED 2/4/2007.

EXT.P4 TRUE COPY OF THE COMPLAINT DATED 25/5/2007 PREFERRED ;BY THE PETITIONER BEFORE THE 2ND RESPONDENT.

EXT.P5 TRUE COPY OF THE ORDER DATED 18/12/2006 IN W.P.(C). NO.29471/2006.

P.R. RAMAN & K. HEMA, JJ.

W.P.(C) NO. 17627 OF 2007

DATED THIS, THE 13TH DAY OF JUNE, 2007.

J U D G M E N T

Raman, J.

This writ petition was filed seeking police protection for conducting a toddy shop in terms of the license Ext.P1. An interim order was passed by this Court on 8.6.2007, directing to maintain law and order, which is still in force. Though the respondents were served, no counter is filed by them controverting the allegations made in the writ petition.

2. Heard the learned Government Pleader. In the circumstances, the writ petition is disposed of as follows:

So long as Ext.P1 license is in force and not interdicted by any order passed by the statutory authorities prohibiting continuance of the shop and so long as the petitioner is conducting the shop strictly in accordance with the terms and conditions contained in Ext.P1, there cannot be any physical obstruction caused. If there is any physical obstruction, police shall render necessary protection to the petitioner for running the shop till such time Ext.P1 is in force.

P.R. RAMAN,
(JUDGE)

K. HEMA,
(JUDGE)

knc/-